

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 DALE KEWAYNE DAY,

12 Defendant.

CASE NO. CR13-5660BHS

ORDER

13 This matter comes before the Court on Defendant's unopposed motion for a continuance
14 of the trial date and the pretrial motions deadline. The Court, having considered the unopposed
15 motion, the affidavit of defense counsel in support of the motion and the Defendant's speedy trial
16 waiver makes the following findings of fact and conclusions of law:

17 1. The defense needs additional time to review discovery and to prepare potential
18 pretrial motions.

19 2. Taking into account the exercise of due diligence, a continuance is necessary to
20 allow the defendant the reasonable time for effective preparation his defense, to explore
21 resolution of this case before trial and to substantially ensure continuity of defense counsel. 18
22 U.S.C. § 3161(h)(7)(B)(iv).

1 3. Proceeding to trial absent adequate time for the defense to prepare would result in a
2 miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(i).

3 4. The ends of justice served by granting this continuance outweigh the best interests of
4 the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A) and (B).

5 5. Defendant waived speedy trial through June 30, 2014.

6 NOW, THEREFORE, IT IS HEREBY ORDERED

7 That the trial date is continued from January 28, 2014, to May 27, 2014, at 9:00 a.m.
8 Pretrial Conference is set for May 12, 2014, at 1:30 p.m. Pretrial motions are due by April 10,
9 2014. The resulting period of delay from January 10, 2014, to May 27, 2014, is hereby excluded
10 for speedy trial purposes under 18 U.S.C. § 3161(h)(7)(A) and (B)

11 Dated this 15th day of January, 2014.

12
13 

14 BENJAMIN H. SETTLE
15 United States District Judge
16
17
18
19
20
21
22